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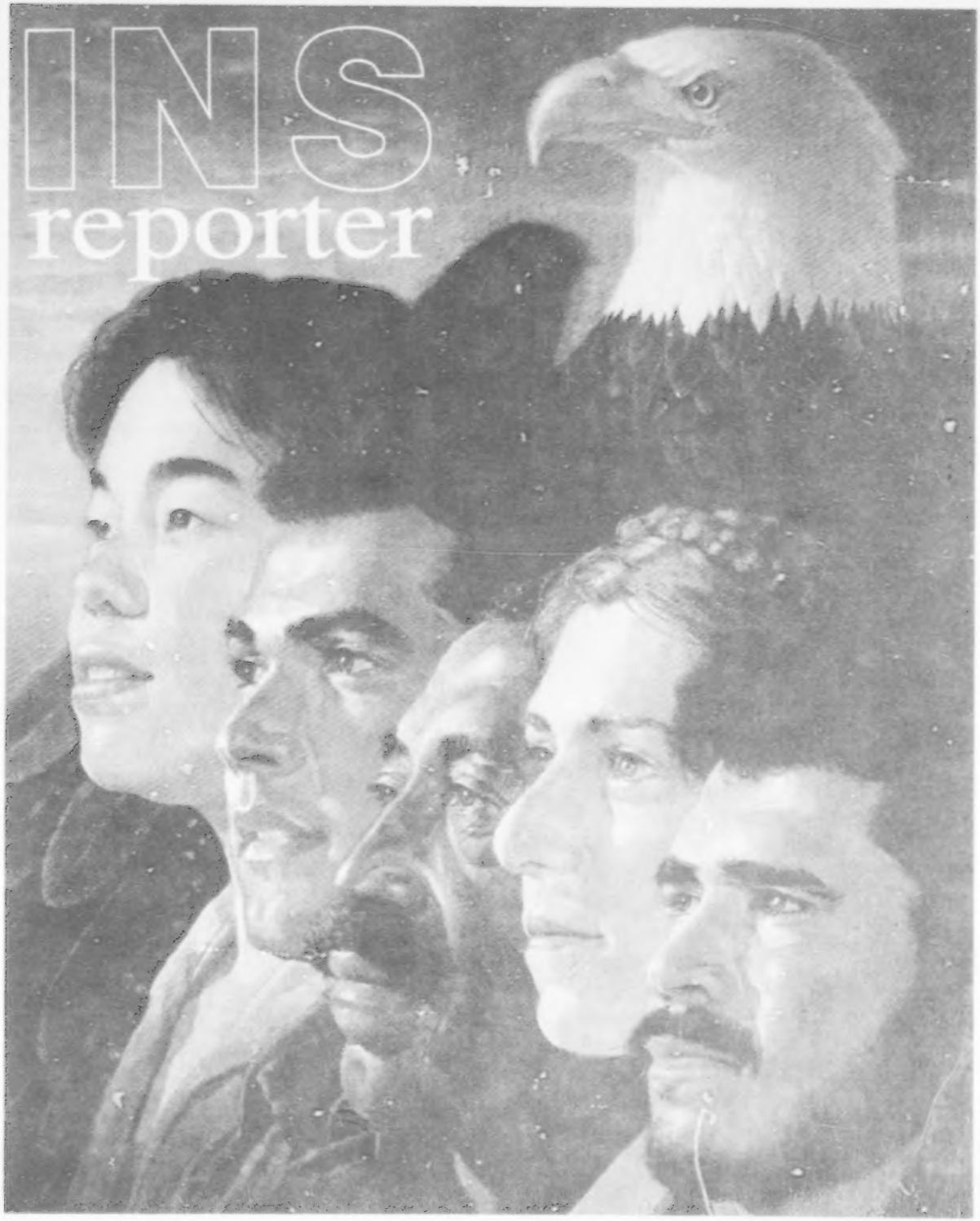
U. S. Department of Justice
Immigration and Naturalization Service

Summer 1989



Second Report on the Implementation of IRCA

J21.10/2:

INS reporter

Volume 36 **Summer 1989**

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The Attorney General has determined that publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice.

The *INS Reporter* is published by the Immigration and Naturalization Service (INS). Editorial inquiries or comments should be addressed to the editor c/o INS Office of Congressional and Public Affairs, 425 I Street, N.W., Washington, DC 20536. Phone (202) 633-2648.

Other publications of the Immigration and Naturalization Service are sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Inquiries: (202) 783-3238.

About the cover: The painting of five ethnically different persons with the American eagle was created as a poster urging eligible aliens to "Live the Dream" by applying for legal status before the application period for legalization ended in May 1988.

Second Report on the Implementation of IRCA

Table of Contents

Introduction	2
Employer Sanctions	**4**
Preparing for full enforcement	4
Accomplishments	5
ELR and SAVE	5
LAW Program	6
Legalization	**6**
Concluding Phase One	6
Preparing for Phase Two	7
Special Agricultural Workers	8
Enforcement	**9**
Criminal Aliens	9
Drug Interdiction on the Border	9
Program Accomplishments	11
Border Patrol	11
Investigations	12
Anti-Smuggling	13
Intelligence	13
Detention and Deportation	14
Service Improvements	**15**
Examinations	15
Inspections	15
Adjudications and Naturalization	16
Outreach	17
Administrative Appeals	17
Foreign Operations	17
Refugee Program	18
Information Systems	19
Management and Administration	20
Personnel and Training	20
Equal Employment Opportunity	20
Comptroller	20
Administration	21
Office of the Commissioner	22
Legal and Legislative Issues	23
INS Office Locations	*inside back cover*

Introduction:

This report is the continuation of last year's Special Report on the Implementation of the Immigration Reform and Control Act of 1986 (INS Reporter, Vol. 35, January 1988). As such, it focuses on the most significant activities and events that took place in the second year of reform act (IRCA) implementation. Like the previous report, this document also describes IRCA-related progress in both operational and support programs of INS. By way of introduction, it first reviews the most significant accomplishments of the first year of implementation.

The passage of IRCA was truly a landmark legislative achievement, culminating a six-year bipartisan effort to reform certain provisions of immigration law. It was the first successful immigration reform bill in 30 years.

The Act provided a carefully crafted and balanced approach to the solution of the nation's interrelated immigration and border control problems, and combined the elements of enhanced enforcement and a far-reaching legalization program. In implementing IRCA, the Service has tried to pursue an approach balanced between education and enforcement; to establish an atmosphere of openness and cooperation; and to phase in enforcement of employer sanctions in a deliberate and effective manner.

Legalization

IRCA called for the legalization of certain illegal aliens. Many predicted that INS could not handle such a massive program or do it fairly and efficiently, but initial results proved the predictions wrong. Within six months after passage of IRCA, INS accomplished the following:

- Opened 107 new offices;
- Recruited, hired, and trained 2,000 new employees;
- Established all necessary regulations, procedures, and operating guidelines;
- Developed, printed, and distributed millions of forms;
- Conducted a massive publicity campaign; and
- Contracted with hundreds of church and service organizations nationwide to serve as Qualified Designated Entities (QDE).

By the end of IRCA's first year (November 5, 1987) nearly a million individuals had applied for legal status, including 775,000 under general legalization and 185,000 Special Agricultural Workers (SAW). Of this number, about 80 percent came directly to INS.

In both the Legalization and SAW programs, INS released preliminary draft regulations to the general public for comment and suggestions prior to publication of the proposed rules in the Federal Register. As a result, IRCA regulations, as well as all forms and written materials, were the product of maximum public participation.

Employer Sanctions

The employer sanctions provisions of IRCA were implemented in three phases over a period of 18 months. First, INS developed rules and procedures, conducted a massive public education campaign, and disseminated guidance Servicewide to establish a program that was carefully balanced between education and enforcement.

The second phase began June 1, 1987, with a program to promote voluntary compliance by visiting employers to explain the law directly. The Office of Employer and Labor Relations (ELR) was established to show employers that compliance with IRCA can be accomplished and that legally authorized workers can be found without undue difficulty. INS set an ambitious goal of making one million employer contacts during the first year—the so-called "citationperiod"—to establish a solid foundation of voluntary compliance.

This balanced approach to enforcing employer sanctions gave employers ample time to meet the law's requirements, encouraging those who want to comply while sending a clear message to those who don't. Enforcement agents issued citations only against first-time violators who had already received an educational visit and imposed fines only against employers who continued to break the law after receiving both an educational visit and a citation.

By the end of IRCA's first year, nearly a million individuals had applied for legal status.

Between June and December 1987, INS visited half a million employers and issued almost 1,000 Citations and nine Notices of Intent to Fine. The fines in the nine cases ranged from a low of $500 to a high of $18,000 and added up to $52,000 in all.

The third and final phase began in June 1988 with full enforcement of employer sanctions, combining traditional investigations--based on leads about suspected violations--

with compliance inspections based on neutral, or random, selection of employers under a General Administrative Plan (GAP), which is explained in more detail in this report.

LAW and SAVE

Many employers who understood the law and wanted to abide by it claimed to have difficulty finding lawful workers to replace the unauthorized ones. To assist these employers, INS developed the Legally Authorized Worker (LAW) Program to provide a liaison between employers and various sources of lawful workers (such as state employment offices, refugee agencies, and welfare departments). Under the LAW program, INS officers provide lists of such labor sources or placement services where employers can find lawful workers. Besides helping employers to meet the requirements of IRCA, the LAW program also supportsnational and local efforts to reduce unemployment and welfare dependency.

By the same token, INS continued to make progress in implementing the Systematic Alien Verification for Entitlements (SAVE) Program to prevent ineligible aliens from receiving Federally-funded benefits such as Aid to Families with Dependent Children (AFDC), Medicaid, unemployment compensation, food stamps, and certain kinds of assistance for housing and education. SAVE makes it possible for state and local agencies to gain access to an INS database containing alien status information. This database has been accessible to all states since October 1987. By January 1988 there were 17 states participating under formal agreements, as INS continued working toward full implementation of the system by October 1, 1988, as required by IRCA.

Border Enforcement

One of the most important impacts of IRCA has been its effect on the flow of illegal aliens across the border. Almost immediately after the law was enacted, border apprehensions began to decline. Total apprehensions for fiscal 1987 were 32 percent lower than the previous year's total, falling from almost 1.7 million to well below 1.2 million. The apprehension rates continued to decline into fiscal 1988 as INS headed toward full enforcement of employer sanctions in June. This decline is a clear indication that the law is working as it was intended, with aliens discouraged from attempting illegal entry by the knowledge that it is more difficult to find work without proper documents.

That conclusion was supported by independent research conducted by David North, a highly respected immigration consultant, for the Center for Immigration Studies. In a report published about one year after the law was enacted, hesaid, "Early experience does tend to validate the law's central premise that the denial of jobs will discourage prospective illegal migrants from coming and encourage those here illegally to leave . . ."

Similarly, the General Accounting Office (GAO) issued a report entitled "Status of Implementing Employer Sanctions After One Year" which concluded that the Service's "general approach . . . during the first year to implement the law has been satisfactory. So far, the data . . . has not shown a pattern of discrimination or unreasonable burden on employers."

Almost immediately after the law was enacted, border apprehensions began to decline.

The U. S. Chamber of Commerce surveyed its membership during the year and received more than 2,000 responses. Results of the survey showed that respondents "do not feel overly burdened by the new requirements." Only three percent said they had any difficulty filling jobs with authorized workers and just 14 percent found it necessary to consult with lawyers or other counselors to understand what IRCA required of them.

These independent studies support the Service's own conclusion that it made significant progress during the first year of implementing this landmark immigration reform legislation. IRCA is working as intended, reducing the attraction of illegal entry into this country without causing widespread discrimination in hiring and without placing undue burdens on employers. It is also gratifying to note that more than a million former illegal aliens who have lived here "in the shadows" have come forth to enjoy the sunshine of the legalization program.

INS carried the momentum of this first year's progress into 1988 as the agency continued its balanced approach to implementing IRCA by moving toward full enforcement of employer sanctions, carrying out a successful legalization program, and building up its enforcement resources.

Employer Sanctions

Preparing for Full Enforcement

The Immigration Reform and Control Act (IRCA) of 1986 corrected an unfair double standard in immigration law which prohibited unauthorized aliens from working in the United States but permitted employers to hire them. The law required employers to verify that the people they hired were authorized to work in the U.S. and established penalties, or sanctions, for those who deliberately failed to comply.

In implementing these employer sanctions, INS followed IRCA's three-phase schedule for enforcement:

1. December 1986 - May 1987: a six-month information period to develop materials and educate the public about the law's requirements.

2. June 1987 - May 1988: a 12-month citation period of limited enforcement to warn violators about the penalties the law provides.

3. June 1988: an effective date 18 months after enactment to begin full enforcement by imposing fines or criminal penalties for serious violations.

This schedule allowed INS to adopt and carry out a balanced, three-part enforcement strategy combining employer education, investigations of suspected violators based on traditional leads, and compliance inspections based on neutral selection of employers.

Building on Voluntary Compliance

At the beginning of the citation period, INS set a goal of making personal contact with one million employers in one year to educate them about completing and keeping on file the Forms I-9 to verify the work eligibility of the employees they hire. With special agents and border patrol agents sharing responsibility for these educational visits with the Employer and Labor Relations (ELR) officers, INS easily met this goal and renewed it to aim for another million contacts during the second year.

First-year results demonstrated that employer education succeeded in achieving a high level of voluntary compliance with IRCA.

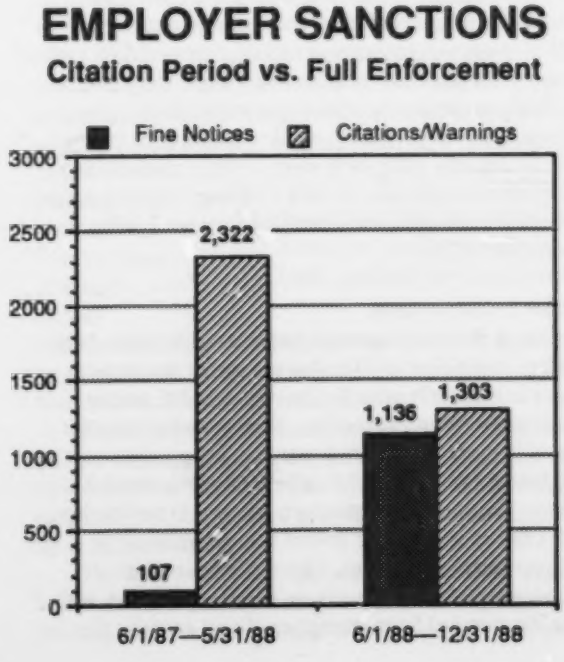
Employers who were found in violation were given the benefit of the doubt on a first visit; they were thoroughly instructed on how to correct the violations and avoid repeating them. Once instructed, however, they were subject to a citation for violations found on a second visit and a fine for violations found after that. By the end of the citation period, INS had issued 2,322 citations and 107 Notices of Intent to Fine. The amount of the fine in each case varied according to the number of illegal aliens employed and the extent of the corresponding paperwork violations, but together they added up to $448,450.

General Administrative Plan (GAP)

Full enforcement of sanctions for all but agricultural employers began June 1, 1988, under revised procedures that ended citations per se, introduced the General Administrative Plan (GAP) of compliance inspections, and increased emphasis on identifying violators and imposing penalties. INS adopted five policy guidelines to serve as a foundation for employer sanctions to be a permanent part of U. S. immigration law:

1. The ELR program would continue its educational activities to promote voluntary compliance.

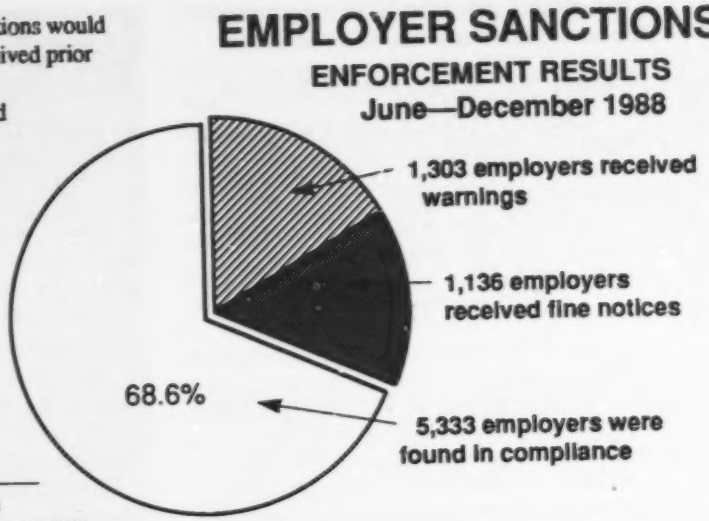
2. Employers would be selected at random for compliance inspections under the General Administrative Plan (GAP).



3. Employers with non-egregious violations would receive Warning Notices if they had not received prior educational visits or inspections.

4. Employers who knowingly employed illegal aliens after receiving educational or GAP visits would receive Notices of Intent to Fine.

5. Generally, fines would not be imposed for paperwork violations alone or for employment of aliens whose illegal status was unknown, unless the employer refused to comply or other egregious factors existed.



Accomplishments

Between June and December 1988, the Service conducted 2,442 GAP inspections and 5,330 investigations based on traditional leads. These enforcement actions resulted in 1,303 warning notices and 1,136 fine notices but, perhaps more significantly, revealed a compliance rate of more than 68 percent overall. Even among employers who were investigated as possible violators, INS agents found a compliance rate of more than 58 percent.

In November 1988, the General Accounting Office issued its second annual report on employer sanctions to Congress, concluding that "INS has made good progress in planning and carrying out its enforcement responsibilities" and that no significant pattern of discrimination has resulted from employer sanctions.

This report, required under IRCA, included results of a survey mailed to employers in January 1988. The survey indicated a high level of general awareness of the requirements of the law, and employers reported that INS was a helpful source of information.

ELR and SAVE

The Office of Employer and Labor Relations (ELR) continued its nationwide campaign to educate American employers and employees about their responsibilities and requirements under IRCA and to administer two programs in support of IRCA enforcement efforts.

Project SAVE (Systematic Alien Verification for Entitlements) moved toward full implementation during 1988 as the number of participating jurisdictions and entitlement agencies increased their use of the automated verification system. By year's end, participation in SAVE could be measured as follows:

- Governors of 32 states (or territories) had signed official Memoranda of Understanding with INS agreeing to implement SAVE in their jurisdictions.
- 51 state or other agencies had executed purchase orders and began using SAVE to check alien status for Unemployment Compensation under Department of Labor.
- 34 other "welfare" agencies had executed purchase orders and began using SAVE to check aliens' status for various public assistance benefits under the Department of Health and Human Services (HHS) including Aid to Families with Dependent Children (AFDC), Public Aid, Medicaid; and, in some instances, Food Stamps under the Department of Agriculture (USDA).

These participating agencies made more than 93,000 queries to the Alien Status Verification Index (ASVI) in October 1988, the first full month of operation. Queries increased to 146,000 in November, and leveled off to 136,000 in December but, for the quarter, the average daily use was well over 6,000 queries.

Further increases in participation are expected in 1989. For example, USDA planned to implement SAVE for states granting food stamps once its regulations were published. Both USDA and HHS regulations were due to be issued at about the same time (early in 1989). The Department of Housing and Urban Development (HUD) requested and received from Congress an extension until January 1990 to implement SAVE for the benefits it administers. This

extension would give HUD an opportunity to develop a tracking system of benefits recipients.

The proposed INS Telephone Verification Pilot (TVP), an automated system to be used by employers in determining the employment eligibility of aliens, was awaiting Executive Order approval early in 1989. Final approval of a public notice, user manual, employer Memorandum of Understanding, and appropriate authority are necessary to proceed with the TVP.

LAW Program

ELR fully implemented the Legally Authorized Worker (LAW) program in July 1988, initiating several pilot projects throughout the Service to help employers find sources of legal labor to replace undocumented workers. The purpose of these projects was to move the concept of the LAW program from theory into practice and provide ELR with the opportunity to study and learn about the impact of IRCA on different sectors of the economy. By monitoring and analyzing the projects, ELR was able to refine the LAW program and adjust it to different industries and job markets.

Despite their diversity and varying degrees of success, these LAW projects have demonstrated the feasibility of voluntary compliance with the provisions of IRCA. Among other things, they dispelled false assumptions and taught ELR and INS many useful lessons about employment practices. For example:

- Employers who had previously relied on illegal alien labor were generally unfamiliar with recruiting techniques or referral services such as state employment and job placement agencies because they had rarely if ever used them.
- Employers must locate and use several sources of legal labor to fill their needs. They must be creative in recruiting job applicants and in making the jobs more attractive, even raising wages or improving working conditions.
- The effectiveness of the LAW program depends on the development of extensive, up-to-date lists of local labor resources, including state, private, and community-based agencies such as churches, schools, service clubs, and ethnic organizations. INS cannot be an employment service but it can provide employers with the information they need to make a successful transition from an illegal to a legal work force in voluntary compliance with IRCA.

Legalization

Concluding Phase One

Early in 1988, the Legalization Program entered the final stretch of the one-year application period for aliens who had lived in the U.S. illegally since before 1982. By mid-February, more than one million such aliens had applied for temporary status and the Service had begun to step up its nationwide campaign to encourage all other eligible aliens to apply before the May 4th deadline.

In March, INS adopted an incentive program to expedite fee payments to Qualified Designated Entities (QDE) who located eligible applicants and directed them to legalization offices. And for the final month of the application period, a simplified filing policy allowed applicants to submit "skeleton" applications to meet the filing deadline and to follow up with supporting documents later at the time of their scheduled interview.

These initiatives were accompanied by an intensive nationwide public information campaign, localized by regional and district offices. Day-long broadcasts from legalization offices, airborne banners, special "days" devoted to legalization, town meetings and many, many press conferences were only a few of the special events created to call attention to the legalization application time period.

Results

Those efforts succeeded in bringing in more than 700,000 applications between April 4 and May 4, 1988. These last-minute filings included 104,000 applicants during the last week of April, another 56,000 during the final weekend, and some 125,000 on the final application day. [Approximately 25 percent of these applications were filed under the Special Agricultural Worker (SAW) program, results of which are outlined separately below.]

In fact, so many applications were filed in the final weeks that INS was unable to determine the exact number until they were entered into the processing system. By December 1988, the final "count" of legalization (non-SAW) applications had reached 1,766,544.

A demographic analysis of legalization applicants showed, among other things:

- Most were living in California, with 55% of the total, while more than 17% were in Texas and nearly seven percent in Illinois.

Lines of applicants for legalization grew longer at many INS offices throughout the country as filing deadline drew closer.

• More than 70% of the applicants were from Mexico, with eight percent from El Salvador and less than three percent from Guatemala.

• The median age of applicants was 30 years, and nearly 80% of those applying were between the ages of 15 and 44.

• The split between male and female applicants was close, with 55% being men and 45% being women.

• Some 30% applied as part of a family group.

Preparing for Phase Two

While the application period for temporary residence drew to a close, INS was already preparing for the next phase of processing applications for permanent residence. Repeating what had worked effectively for Phase One, INS completed and invited public comment on a "preliminary working draft" of proposed regulations for Phase Two. This step again expanded the opportunity for public participation in legalization rulemaking. The formal notice of proposed rulemaking was published in the Federal Register August 8 and an "interim rule with request for [further] comments" was published October 31.

Requirements for Permanent Residence

One of the major issues addressed in the drafting of Phase Two rules concerned the IRCA requirement for legalized aliens (temporary residents) to have or acquire basic citizenship skills to qualify for permanent resident status. In order to meet these IRCA requirements in a flexible and reasonable manner, INS adopted a standardized oral examination that allows applicants to demonstrate their basic English skills and knowledge of U.S. history and government. Knowledge of these will be the same as is currently required for naturalization to U.S. citizenship.

Applicants are not required to pass this test to qualify for permanent residence. They may choose to merely demonstrate that they are "satisfactorily pursuing" a course designed to give them the needed language skills and knowledge. Also, anyone who tries and fails the test has an opportunity to try again if they chose that option, rather than enroll in a class.

The law also requires temporary residents to wait at least 18 months before they may apply for permanent residence, then allows a one-year filing period thereafter. Final rules allow an applicant to file for permanent residence as early as 18 months after the date the application for temporary residence was filed, and up to 30 months after the date the application for temporary status was actually approved. Consequently, INS began receiving Phase Two applications in November 1988 from aliens who had applied for legalization in May 1987.

Public Information

To ensure that all those granted temporary resident status are kept informed of Phase Two requirements and application procedures, INS developed an information campaign that relies heavily on direct mailings to the individual applicants, reinforced by local publicity strategies and mass media campaigns determined by the Regional Offices. The regional campaigns would remind legalized aliens that they must apply for permanent residence to keep their legal status; the mailings would provide specific instructions on when, where, and how to apply, and would include appropriate forms for them to complete.

Applicants mail their completed applications directly to an INS Regional Processing Facility, along with the fee, which was set at $80 per application with a maximum of $240 per family. They will then be scheduled for an interview at an INS office.

Additional preparation for Phase Two included plans to enhance the legalization processing system to accommodate Phase Two requirements and to provide training, course materials, and technical assistance to the educators, QDEs, voluntary agencies, and community groups who would provide assistance or instructions to applicants.

Special Agricultural Workers

The application period for Special Agricultural Workers (SAW) continued throughout most of 1988, ending on November 30. Following the same pattern as the regular legalization application period that ended in May, SAW receipts increased rapidly as the filing deadline grew nearer. Nearly 50,000 applications were processed during the final three days, but thousands more were accepted on the last day and processed later in order to give all applicants the chance to beat the deadline.

Legalization offices remained open until midnight November 30 to accommodate last-minute filings. A preliminary count showed that 1,249,539 SAW applications had been processed by the end of December. Added to the 1.77 million applications received under the general legalization program, the SAW receipts brought the overall total to more than 3 million applicants for temporary resident status under both IRCA programs.

Among the SAW applicants, more than 10,000 applications were filed overseas and more than 100,000 were admitted as so-called "S-9 entrants" at three designated ports of entry on the southern border--Calexico and Otay Mesa, CA, and Laredo, TX.

Those admitted were granted employment authorization for 90 days during which time they had to gather their documentary evidence of SAW eligibility and file their applications. The S-9 program was authorized by an amendment to the SAW provisions of IRCA enacted (Public Law 100-202) in December 1987. The amendment resolved two other contentious issues by codifying the INS regulatory definition of "nonfrivolous application" and giving INS explicit authority to deport any illegal alien who had not filed a nonfrivolous application, notwithstanding the alien's claim to SAW eligibility.

Dealing with Fraud

The approval rate for completed cases remained high during the year -- more than 97 percent for general legalization and 93 percent for SAW -- but document fraud continued to be more of a problem than initially expected, especially in the SAW program. According to data current as of December 30, 1988, almost half of the open cases in SAW were suspected of fraud, compared to only 13 percent of such cases in general legalization. That same data showed INS had denied more than 2,400 SAW applicants for confirmed fraud, compared to only 400 applicants for general legalization.

To deal with this problem, INS dedicated more investigative and intelligence resources to IRCA-related fraud, temporarily reducing the amount of staff time available for other types of fraud (e.g., marriages, student visas, labor certifications, etc.). Specific enforcement initiatives included setting up regional document analysis units (DAUs) and local task forces to go after third-party fraud schemes. The DAUs examined the applications for indications of such fraud schemes and provided appropriate leads to the task force investigations.

APPLICATIONS FOR LEGAL STATUS

THROUGH DECEMBER 1988

REGION	APPLICATIONS PROCESSED			FEES COLLECTED		
	Legalization	SAW	Total	Legalization	SAW	Total
EASTERN	194,029	82,670	**276,699**	$34,257,385	$14,683,505	**$48,940,890**
NORTHERN	160,773	126,511	**287,284**	25,966,885	20,154,515	**46,121,400**
SOUTHERN	404,801	319,190	**723,991**	66,337,625	55,697,270	**122,034,895**
WESTERN	1,006,941	721,168	**1,728,109**	160,683,585	125,807,150	**286,490,735**
SERVICEWIDE	**1,766,544**	**1,249,539**	**3,016,083**	**$287,245,480**	**$216,342,440**	**$503,587,920**

Enforcement

Criminal Aliens

INS continued to expand its enforcement efforts against criminal aliens as a top priority in 1988. The primary objective of these efforts, both in the Investigations and Border Patrol programs, has been to target the aliens who cause the most harm to society, apprehending and removing aliens who are involved in drug-related, violent, or organized crime. Border Patrol agents apprehended more than 25,000 such criminal aliens in fiscal 1988.

INS agents throughout the country have established close working relationships with other Federal, state, and local law enforcement agencies to set up special task forces and other initiatives. For example, pilot projects in New York City, Chicago, Los Angeles, and Miami became fully operational in 1988 and began paying dividends in improved INS responses to referrals by local authorities concerning aliens arrested on drug-related charges and improved access to INS's automated information systems for checking arrested aliens' status.

Another important initiative during 1988 was the Institution Hearing Program (IHP). In cooperation with the Executive Office for Immigration Review (EOIR), INS began negotiations with criminal justice and correctional authorities in all 50 states and with the Bureau of Prisons to improve the legal process associated with the deportation or removal of alien convicts.

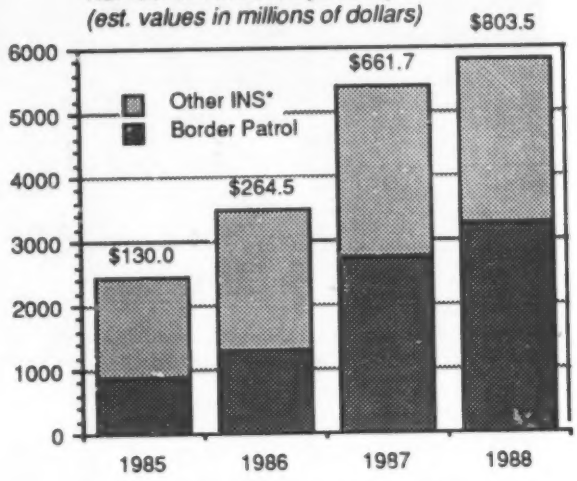
In addition, as part of the pilot projects in the cities mentioned above, INS developed a criminal alien information exchange program with penal and criminal justice agencies. Once fully developed, both the IHP and the information exchange program will be expanded to other jurisdictions.

Organized Crime Drug Enforcement

INS also played an important role in the national Organized Crime Drug Enforcement (OCDE) program, with 100 special agent positions committed to the multi-agency effort. In 1988, these agents apprehended 662 criminal aliens involved in illegal drug activities that were investigated under OCDE initiatives. OCDE task forces in which INS participated seized nearly $120 million worth of illegal drugs--including 1,996 kilograms of cocaine, 2,589 vials of "crack," and 145 pounds of heroin--as well as $9.7 million in currency, 184 vehicles, and 714 weapons.

DRUG SEIZURES BY INS

Number of seizures by fiscal year
(est. values in millions of dollars)



**Investigations, Anti-Smuggling, and Inspections*

The national Alien Criminal Apprehension Program (ACAP) was fully implemented in 1988. Agents completed some 22,000 criminal alien cases during the year, about 20 percent more than the 18,300 cases completed in 1987. As such efforts against criminal aliens have increased, so have seizures of illegal drugs. The graph above shows how the number of seizures and the value of seized drugs have increased year-by-year since fiscal 1985.

Drug Interdiction on the Border

Border Patrol seizures of illicit drugs also increased in fiscal 1988 as a result of INS participation in the National Narcotics Border Interdiction System (NNBIS), Operation Alliance, and other anti-drug initiatives. Working closely with other Federal agencies, Border Patrol agents with limited drug enforcement authority (under Title 21 of the U.S. Code) accounted for approximately 60 percent of all drug seizures along the southern land border.

They made 3,257 seizures involving 160.7 tons of marijuana and 6.5 tons of cocaine, as well as varying

Rocky, a special agent in the Border Patrol Canine Unit at McAllen, TX, rests as his handler, Border Patrol Agent Kent Banks, talks to a kindergarten class about the dangers of drug abuse. Teams like this, accompanied by one or more other agents, are part of the Border Patrol's Drug Demand Reduction Program (reported on next page).

amounts of other substances. The estimated value of all the drugs seized exceeded $700.5 million, compared with 2,751 seizures valued at $582 million in fiscal 1987.

Canine Units

During 1988, the Border Patrol expanded its use of specially-trained dogs to improve traffic checkpoint operations. The presence of these dogs has become an effective deterrent to smugglers because the dogs have shown remarkable proficiency in sniffing out concealed aliens and drugs in all kinds of vehicles. For the year, the dogs were instrumental in finding about 29 percent of the drugs seized by the Border Patrol on the southern border. In addition, agents with dogs actively participated in the nation's "Just Say No" drug education program by visiting local schools and community groups.

Besides thwarting attempts by smugglers to bring aliens across the border in hidden vehicle compartments, the dogs have saved many lives by finding large groups of aliens in danger of suffocating in sealed railroad boxcars and truck trailers. "Barco," a dog in Brownsville, TX, helped rescue crews search for people buried in the wreckage of a collapsed three-story department store in July 1988. He found 11 people, including the last four survivors.

Program Accomplishments

BORDER PATROL

To strengthen immigration control, IRCA originally authorized a 50 percent increase in Border Patrol strength by the end of 1988 over 1986 levels. This historic buildup required the Border Patrol to sustain an aggressive recruiting campaign and to expand its training program.

The Border Patrol Academy at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA, trained 14 full classes during fiscal 1988, up from nine classes the previous year, and graduated 503 new agents to bring year-end Border Patrol strength to an all-time high of 4,072. Another 109 new employees were placed in support positions.

Apprehensions

Apprehensions of illegal aliens along the southern border numbered 969,214 in fiscal 1988, the lowest annual total since 1982 and about 43 percent fewer than in fiscal 1986 before IRCA was enacted. This decline in apprehensions has been one important indicator of the initial deterrent effect of employer sanctions enforcement, which has discouraged illegal entry by making illegal employment harder to find.

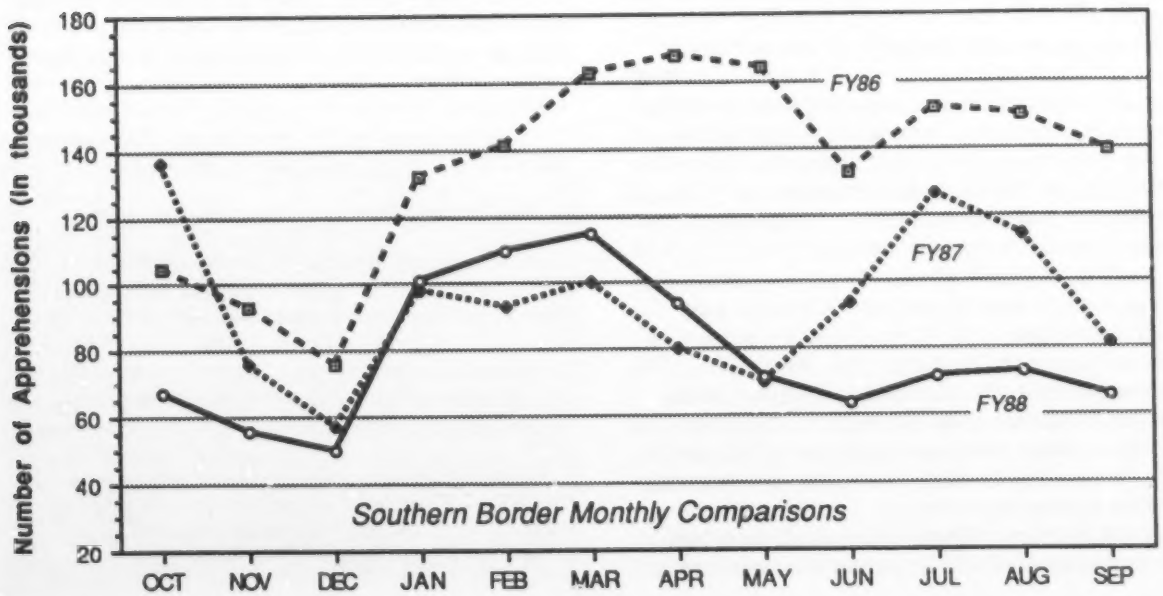
New Aircraft

In addition, the Border Patrol continued to upgrade its aircraft operations and vehicle fleet. As of October 1988, INS had acquired 15 new Christen Husky A-1 utility airplanes and five new A-Star helicopters.

The Huskies are replacements for the Border Patrol's aging fleet of Piper Super Cubs. Like the Super Cub, the Husky is a lightweight, two-seat, high-wing airplane capable of performing low altitude maneuvers and extremely short takeoffs and landings. The first Huskies went into service at San Diego. The Border Patrol plans to replace the entire light observation fleet with them by the end of fiscal 1989.

The new helicopters, assembled in the United States by Aerospatiale (A-Star Model 350Bs) are single engine (turbine) helicopters capable of carrying up to seven people. They are larger than the military surplus helicopters in the fleet and will be used along the southern border to provide mission support for special operations such as BORTAC, drug interdiction, and alien-smuggling surveillance. The

BORDER PATROL APPREHENSIONS



new helicopters are equipped with "Nite-Sun" searchlights capable of illuminating an area with a 30 million candlepower beam. The helicopters are also equipped with Forward Looking Infrared (FLIR) devices that can detect small temperature differences to provide more effective night surveillance.

Drug Demand Reduction Program

Like the many other agencies involved in drug enforcement, the Border Patrol recognizes that reducing the supply of illegal drugs through interdiction is only half the job. To complement its growing anti-drug role, therefore, it established a program to reduce the demand for illegal drugs through education.

Initiated early in fiscal 1987 in the McAllen, TX, Sector, the Border Patrol Drug Demand Reduction Program sends teams of agents to schools, civic groups, scout troops, service organizations, and others in local communities to make special presentations aimed at the prevention of drug abuse.

The key players on these teams are the Border Patrol dogs. Teamed with their handlers and one or two other human agents, the dogs are natural attention-getters as they help the other agents teach children about the dangers of drug abuse. As part of the presentation, the dogs show the children, teachers, and parents how easily they can sniff out illegal drugs (hidden beforehand by one of the agents) and leave them with posters and other materials printed with the messages "I CARE" and "JUST SAY NO."

The program in McAllen achieved almost instant popularity, which led the Border Patrol to make it an official community relations program, expanding it along with the canine (K-9) programs sector by sector through all four regions. By the end of 1988, all 21 Border Patrol Sectors had developed locally oriented programs and had conducted a combined total of more than 6,000 presentations before approximately 600,000 people nationwide.

The Drug Demand Reduction Program began to attract national attention when Border Patrol K-9 teams were invited to participate in the White House Conference for a Drug-Free America in Washington, DC, February 28—March 4, 1988. They returned less than two weeks later with 10 members of the Border Patrol Horse Patrol and the "War on Drugs" float from McAllen Sector to march in the St. Patrick's Day Parade in Washington and Alexandria, VA. Then in May three K-9 teams, five Horse Patrol agents, and the "War on Drugs" float joined former First Lady Nancy Reagan during her annual "Just Say No to Drugs" rally in Washington. Special Agents "Rocky," "Duko," and "Barco," along with their agent/handlers, sat proudly on the stage of the Sylvan Theater in the shadow of the Washington Monument as Mrs. Reagan led the masses of children and adults in the "Just Say No" pledge. The teams remained in Washington for two weeks and took their presentations to more than 12,800 students in 30 area schools.

This program has benefited the Service by balancing border interdiction and enforcement with a proactive education program to reduce the demand for drugs; by highlighting the important and successful role of the Border Patrol in the nation's war on drugs; and by promoting good community relations between Border Patrol units and local residents. Thus, it has supported both operational and management priorities by complementing enforcement activities and improving the Service image.

INVESTIGATIONS

Besides taking the lead in the enforcement of employer sanctions and the pursuit of criminal aliens, as described above, the Investigations program carried out a priority-directed enforcement program in the nation's interior aimed at detecting and deterring serious violations of immigration law, especially document fraud.

During fiscal 1988, special agents initiated more than 400 investigations of suspected fraud in the SAW program; implemented a Marriage Fraud Profiling Project, a cooperative effort with INS Adjudications, which led to completion of almost 600 investigations of suspected

FRAUD INVESTIGATIONS

Fraud investigations are differentiated into four categories: (1) criminal fraud organization; (2) criminal fraud facilitator; (3) individual benefit fraud; and (4) entitlement fraud. During fiscal 1988, the Investigations Division reported these accomplishments:

	(1)	(2)	(3)	(4)	Total
Completed cases	40	368	4826	95	5329
Achieved objectives	10	144	1771	42	1967
Convicted (persons)	15	95	87	8	205

Convictions for major fraud violations totaled more than 800 counts during the year, almost one-third of all the convictions resulting from cases presented for prosecution by special agents in Investigations.

marriage fraud; completed another 500 cases involving individual immigration benefit fraud and 80 fraud facilitator cases; and brought more than 190 cases of fraudulent document vendors/brokers to prosecution.

Aggressive recruiting also succeeded in increasing staffing levels in Investigations by 75 percent, from 898 at the end of fiscal 1987 to 1,575 at the end of fiscal 1988. In addition, basic training for special agents was expanded to 18 weeks to accommodate additional courses in criminal investigations, consensual and video monitoring, narcotics, and undercover operations.

The application of more computer technology also enhanced the Investigations program, as field offices acquired more microcomputers and user-friendly software to improve the productivity of their casework. Among other capabilities, this improved automation provided INS with greater access to the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS) for the exchange of information on criminal aliens among Federal, state, and local enforcement agencies.

SIGNIFICANT ANTI-SMUGGLING CASES

In a major criminal case related to legalization fraud, anti-smuggling agents received information from a printing shop in New York City that an individual had requested duplication of blank commercial letterhead stationery, bus tickets, bills, etc., with pre-1982 dates on them. Based on this lead, the agents obtained a search warrant and uncovered a large volume of fraudulent financial documentation relating to legalization. Prosecution in this case resulted in 15 separate criminal conspiracies on a variety of charges against 29 defendants.

"Operation Boxcar," an ongoing joint operation between Anti-Smuggling and the Border Patrol, has gained national attention as a demonstration of the ruthlessness of alien smugglers. Its purpose is to stop the smuggling of illegal aliens by railroad and prevent the kinds of tragic deaths that occurred in July 1987 when 18 aliens suffocated in a locked boxcar in Texas. Investigations and interdictions in this operation have resulted in the arrest of 87 smugglers and the apprehension of more than 3,200 aliens—at least 400 of whom were at risk of dehydration and suffocation inside sealed boxcars.

ANTI-SMUGGLING

The Anti-Smuggling program continued its focus on identifying, apprehending, and presenting for prosecution major participants of international alien smuggling organizations through the conduct of proactive criminal conspiracy investigations. During fiscal 1988, Anti-Smuggling agents apprehended 8,898 smuggling violators and recorded a total of 4,819 convictions, of which 1,693 were major (Level I) offenders. In addition, agents seized more than 2,000 conveyances used by smugglers to transport illegal aliens and substantial quantities of illegal drugs.

At year's end, Anti-Smuggling activities involved some 300 special agents and support personnel deployed along the border and in major cities and ports of entry to combat the alien smuggling problem.

New Initiatives

Among several initiatives that were developed and implemented in 1988 was the Anti-Smuggling Airport/Seaport Program, made possible by inspections users fees. Under this pilot program, anti-smuggling agents were located at eight international airports to support inspections and enhance enforcement at these ports of entry. Another related initiative was the Central Office Anti-Smuggling Operations (CENTOPS) program established to support international and interregional enforcement efforts against both domestic and foreign criminal organizations involved in alien smuggling.

These initiatives were supported by a new Overseas Program to improve the coordination and flow of intelligence information between INS overseas offices and Anti-Smuggling Units in the U.S. to support investigations against internationally-based smuggling conspiracies.

Other major areas of program enhancement in 1988 included the modernization of the anti-smuggling vehicle fleet and the addition of new journeyman agent schools and specialized courses to upgrade the training program.

INTELLIGENCE

In support of the overall enforcement mission and in liaison with other key government agencies, the Intelligence program took advantage of increases in staffing and equipment to devote more attention to high priority efforts against document fraud, international terrorism, and drug trafficking. In the latter two areas, for example, INS intelligence officers worked closely with representatives of

such agencies as INTERPOL, the Bureau of Alcohol, Tobacco, and Firearms, FBI, and DEA to formulate strategic and tactical plans for identifying and apprehending suspected terrorists and drug smugglers.

Among other new initiatives, Intelligence also developed a one-day training course for officers in other INS programs who previously did not receive any intelligence training other than a session on document fraud.

FDL and EPIC

The team of forensic specialists at the Forensic Document Laboratory (FDL) completed more than 629 cases in fiscal 1988, a 25 percent increase over their caseload in 1987. The lab's capabilities were further upgraded with the installation of tele-imagery (photophone) equipment which is also installed at the regional document analysis units; at international airports in New York, Miami, Seattle, and Los Angeles; and on a test basis in Kingston, Jamaica.

At the El Paso Intelligence Center (EPIC), information related to almost 12,000 new cases of alien smuggling and document fraud was entered into the data bases. EPIC received and responded to approximately 17,000 queries from INS inspectors, border patrol agents, and investigators seeking information on aliens or documents under suspicion. The frequency of these queries has been declining since the passage of IRCA because of the decline in the number of apprehensions along the border.

Intelligence Analysis Section

Intelligence research specialists involved in collecting and analyzing information produced and distributed some 37 bulletins, reports, or assessments on matters of special interest to INS enforcement, including five special studies on Other-Than-Mexican (OTM) aliens. These studies focused on the Dominican Republic, Korea, Colombia, Jamaica, and south Asia. The report on Jamaica was also distributed to about 300 state and local law enforcement officers because of a growing interest in Jamaican organized crime.

In support of the INS Inspection program, this unit also initiated a special intelligence collection requirement to monitor fraud trends in the Visa Waiver Pilot Program.

DETENTION AND DEPORTATION

While programs such as ACAP and IHP served to relieve overcrowding in local jails by removing criminal aliens, the INS detention program worked to relieve overcrowding in its own detention facilities and in Federal prisons. Besides enlarging the detention facility in Broadview, IL, INS contracted for additional space in California and New York during the year. Its first priority, however, was to reduce the size of its largest detainee population, the Mariel Cubans.

INS had reinstated its Cuban Review Plan in June 1987 to identify candidates for release or reparole. In November, the program suffered a setback when Cubans detained in Oakdale, LA, and in the Atlanta Federal Penitentiary rioted after the State Department announced the revival of a 1984 agreement with Cuba under which at least 2,500 Mariel Cubans were to be repatriated. The detainees took more than 140 hostages and killed one inmate before the disturbances were settled by an agreement between them and the Attorney General on December 4, 1987. That agreement required INS to complete reviews of the 3,822 Mariel Cubans who were then in INS custody by the end of June 1988.

Special panels reviewed files and conducted interviews at detention facilities, completing all cases by the June deadline. By the end of September 1988, a total of 4,288 Cuban detainees had been reviewed, with 2,757 recommended for reparole and 1,531 for continued detention. Of those recommended for reparole, 2,373 had been released from detention, leaving 2,547 still in INS custody, or 1,078 fewer than in September 1987.

New Rules on Juvenile Detention

New rules regarding INS detention and release of juvenile aliens were published in the *Federal Register* on May 17, 1988. The rules were originally proposed by INS in October 1987 because of a dramatic increase in the number of juvenile aliens found unaccompanied by parents or other adult relatives. INS had to determine who could take custody of such children.

The new rules strike a balance by providing a list of appropriate custodians while giving INS discretion to release a juvenile to adults other than those listed. The rules specify shelter care as a preferred alternative to detention, although juveniles placed in shelters will still be considered to be under INS custody.

Service Improvements

Examinations

INSPECTIONS

INS continued in fiscal 1988 to increase staffing and improve service at international airports by making good use of funds from inspections user fees. Collecting more than $93 million in such fees during the year, INS was able to double the number of inspectors, improve automated systems, and upgrade several facilities to reduce or eliminate inspection delays for arriving travelers.

The most visible improvements were in staffing, as the number of full-time inspectors increased from 557 to 1,079 (94%), and in port automation, as INS continued to expand and upgrade the lookout system network. One major accomplishment was the development of the new Federal Inspection Law Enforcement System (FILES), a computer system for checking the status of foreign travelers.

FILES was developed by INS as the result of a Memorandum of Understanding between INS and the Customs Service in November 1987 which called for an integrated and automated Primary Inspection Prototype System to accommodate the needs of both agencies at all ports of entry—land, sea, and air. It consists of a microcomputer local area network complete with electronic document readers that eliminate most of the need to enter data manually.

The system automatically reads and records data from certain passports, visas, and alien registration cards, then checks it against the various data bases used by INS, Treasury, and State to identify aliens who are inadmissible or of interest to other law enforcement agencies. FILES gives inspectors access to nearly three million records, compared with only 50,000 in INS's National Automated Immigration Lookout System (NAILS) alone.

The first prototype system became operational at Honolulu International Airport in May 1988.

During the year, INS personnel inspected 48.4 million persons at airports and seaports, intercepting 76,123 inadmissible aliens (about 15 percent more than in 1987). More than 341 million persons were inspected at land border ports of entry, with 595,965 inadmissible aliens intercepted.

VISA WAIVER PILOT PROGRAM

Among the travelers who came through immigration inspection were thousands of British citizens who were the first participants in the Visa Waiver Pilot Program established by IRCA. INS inspections implemented this program in cooperation with the Department of State and began admitting British travelers to the United States without visas on July 1, 1988.

IRCA provided for easing the visa requirement on a three-year trial basis for up to eight countries in order to explore how far the U.S. could go in eliminating temporary tourist and business visas.

The program is reciprocal. American tourists and business travelers do not need visas to travel to the participating countries.

The United Kingdom was the first country to benefit from the program because it does not impose a visa requirement on American travelers and has long sought reciprocal privileges. Japan became the second country to join the program in December 1988. The only other countries whose citizens may come to the U.S. without visas are Canada and Bermuda.

To qualify for a visa waiver, eligible travelers must obtain a simple visa waiver form from their travel agents or transportation lines to be presented upon arrival in the U.S. Travelers without visas must sign a waiver allowing the INS to refuse entry without a hearing if they are found inadmissible to this country by an INS inspection officer.

Under a separate program that began October 1, 1988, the visa requirement to visit Guam was waived for citizens of Australia, Brunei, Burma, Indonesia, Japan, Malaysia, Nauru, New Zealand, Papua New Guinea, Singapore, Solomon Islands, United Kingdom (including Hong Kong), Vanuatu, and Western Samoa. This is a permanent program for visits up to 15 days.

Adjudications and Naturalization

The Adjudications and Naturalization program received 2,679,606 applications and petitions for immigration benefits in 1988, including more than 270,000 filed by aliens seeking permanent residence. In addition, INS examiners interviewed approximately 220,000 permanent residents for naturalization. More than 240,000 took the oath as new citizens during the year.

In cooperation with the INS Forensic Document Laboratory and the Bureau of Engraving and Printing, the branch developed and distributed a major revision of certificates of naturalization and citizenship, providing for significant enhancements in the security and aesthetic quality of these documents. The naturalization staff also oversaw the publication and distribution of the newly revised series of Federal Citizenship Textbooks and promoted their use in classes for Phase Two legalization applicants as well as traditional naturalization courses. In developing these textbooks, INS contracted for separate editions for three different reading levels, including one for students of English as a Second Language (ESL).

INS continued to streamline and modernize the adjudications process by expanding the Naturalization Automated Casework System (NACS). By the end of 1988, over 70 percent of all naturalization cases were being handled through NACS. This percentage will increase as INS expands the system to additional offices.

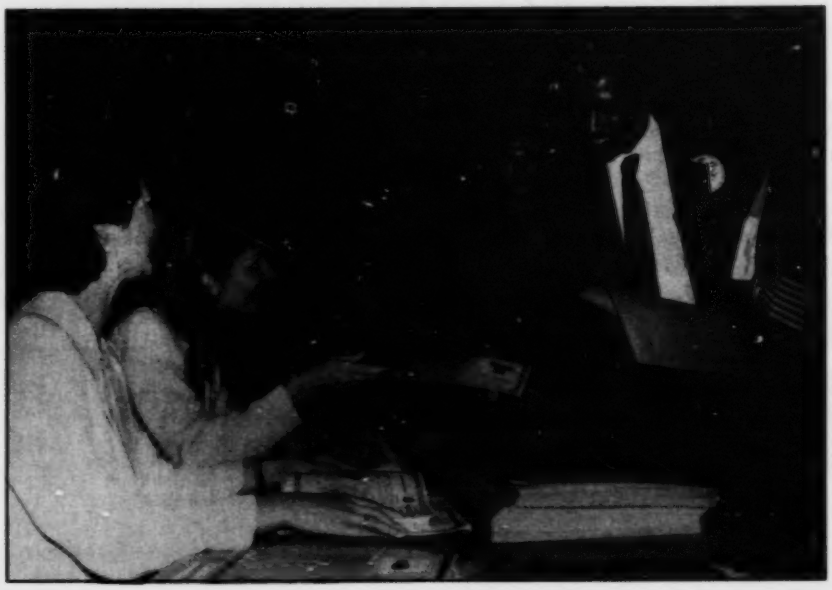
Citizenship Day and Constitution Week

INS again placed special emphasis on holding naturalization ceremonies during Citizenship Day and Constitution Week, September 17-23, especially in connection with local observances of the Constitution Bicentennial. In 1988, district offices participated in 48 such ceremonies swearing in more than 5,000 new citizens from Maine to Hawaii.

On Citizenship Day itself (Sept. 17), ceremonies were held in Washington, DC; New York (on Ellis Island); Norfolk, VA; Charlotte, NC; Houston, TX; and Hawaii. The ceremony in Washington, organized by the Commission on the Bicentennial of the U.S. Constitution, featured appearances by then Vice President George Bush and former Chief Justice Warren Burger. Chief Justice Burger administered the oath of allegiance to 175 new citizens and Vice President Bush delivered a brief welcoming address.

Rulemakings

A number of significant rulemakings were completed in 1988 to refine the adjudications process, improve its efficiency, and bring it into conformity with changes in the law. Among them was the publication of final rules for implementation of the Marriage Fraud Amendments Act of 1986 which, among other things, requires an alien married to a U.S. citizen or lawful permanent resident to maintain a



A happy new citizen accepts his Naturalization Certificate from the court clerk following a ceremony held on Citizenship Day in Washington, DC.

two-year conditional residence status before qualifying as a permanent resident. The new regulations require all petitions for removal of the conditional status to be mailed to one of four regional service centers where they will become part of an automated data base.

This data base was established by Adjudications to enable INS to screen petitioners against profiles of potential fraudulent marriages and to refer appropriate cases to district offices for personal interviews. This highly automated system records call-up requests, prepares interview notices, and generates mailers for conditional residence cases, relieving district and service center personnel of a large volume of clerical tasks necessitated by the Marriage Fraud Amendments Act.

INS also began testing a prototype system to automate the general adjudications process and provide case tracking. The Fees and Applications Receipt and Entry System/ Computerized Adjudications System (FARES/CASE) was installed at the Northern Regional Service Center in Lincoln, NE, to generate approval notices and improve case accountability. Adjudications plans to expand the system to the other regional service centers in fiscal 1990.

Examinations Fee Account

Other plans for the future included the establishment of an Examinations Fee Account authorized by the appropriations bill for the Department of Justice, which allows INS to keep application fees in excess of $50 million collected during the year and to use the funds for expenses in enhancing adjudications and naturalization services. Initially, INS plans to use the account to increase staffing at the regional service centers in order to reduce processing backlogs and handle the increases in applications and petitions expected to result from the adjustments of aliens who gained legal status under the legalization program.

Outreach Program

The Outreach Program continued its active involvement in IRCA implementation during 1988, mainly dealing directly with the voluntary agencies, community groups, and others who help aliens obtain various immigration benefits. The first year after IRCA was enacted, Outreach was instrumental in developing and implementing the cooperative agreements between INS and the qualified designated entities (QDEs). Under the terms of these cooperative agreements, Outreach provided training, technical assistance, legalization forms, and information materials to more than 900 QDEs. It also monitored their activities for compliance with IRCA requirements and maintained an automated data base for the disbursement of payments to participating national coordinators and independent direct service providers.

In 1988, Outreach conducted 379 instructional workshops, including community information forums, for 17,290 participants during Phase One of the legalization program. These workshops were directed at motivating eligible aliens to apply for temporary resident status under the legalization or special agricultural worker (SAW) programs.

For Phase Two of the legalization program, 15 workshops or community information forums were conducted for a total of 1,328 participants, who represented QDEs, private and public education programs, and community service organizations.

As part of its ongoing publications program, in 1988 Outreach completed production and distribution of its Legalization Training Manual (Form 283), prepared the initial drafts of a similar manual for Phase Two, and began the revision of three stock information pamphlets—Guide to Immigration Benefits (M-210), Guide to Naturalization (M-230), and The Immigration of Adopted and Prospective Adopted Children (M-249).

Administrative Appeals

The Administrative Appeals Unit, which considers appeals of adjudicative decisions (e.g., denial of a legalization application), completed 11,669 cases in fiscal 1988, including 5,994 appeals and certifications in legalization and SAW programs to mark the first full year of operation for the Legalization Appeals Unit. In seven of these cases, the AAU decisions were designated for publication as precedents.

Foreign Operations

Over the past several years, significant changes have taken place in INS overseas operations and in the Office of Refugees, Asylum, and Parole to accommodate the larger role for INS in the international arena following passage of the Refugee Act of 1980 and other related legislation.

The overseas program was enlarged in 1985 to take on an additional enforcement support function to identify potential illegal entrants at their source and deter them from going to the U.S. After four years, this program has exceeded all expectations for preventing illegal entries and saving time and expense for INS enforcement.

The latest enhancement of the overseas program was the establishment of the Office of Foreign Operations in January 1988. The reorganization moved Refugees, Asylum, and Parole out of Examinations and brought the three overseas district offices (Mexico City, Rome, and Bangkok) and the 18 suboffices under the supervision of the Director of Foreign Operations. In addition, the Central Office staff was expanded to include special desk officers and administrative assistants responsible for improving INS liaison with the State Department and other public and private agencies and for expediting the flow of information between domestic and foreign offices within the Service.

Refugee Program

Much attention was devoted to refugees in 1988, both in news reports and in discussions of government policies. The year began with large numbers of Soviet Armenians trying to enter the U.S. Then the focus shifted to the Central American migrants coming into south Texas to apply for asylum. As fiscal 1989 began, the issue receiving the most attention was the number of Soviet Jews and other Soviet emigrants seeking refugee status to come here. At the same time, U.S. refugee policy has been subjected to closer scrutiny in the past year or two than at any time since passage of the Refugee Act of 1980. For example:

• In June 1988, INS and the State Department submitted a comprehensive report to Congress on their respective roles in the U.S. refugee program and made recommendations for improving its effectiveness.

• In August the Attorney General, with the express concurrence of the Secretary of State, identified the need for a major review of refugee policies and procedures in light of the substantial changes going on inside the Soviet Union and other communist countries, and directed INS to apply a worldwide uniform standard to the adjudication of refugee claims.

• In September, INS participated in the annual consultations with Congress, recommending a worldwide ceiling of 94,000 refugee admissions for fiscal 1989 including increased allocations for Eastern Europe and the Soviet Union.

From 1980 to 1988, the United States admitted 867,584 refugees, including 75,754 in fiscal 1988 (see table below). Of the latter number, 20,421 refugees were from the Soviet Union, more than in any one year since 1980 and nearly as many as all the intervening years combined. In each of the past two years, the original allocation ceilings for Soviet refugees were raised to accommodate the higher numbers of applicants who have found it easier to obtain exit permission as a result of *glasnost*.

At the same time as Soviet emigration was increasing, however, INS was moving toward a more equitable application of existing U.S. refugee law by clarifying its adjudications procedures to apply the worldwide uniform standard for refugees. (This standard is based on the statutory definition of "refugee" as "a person who, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion is unable or unwilling to return to, or remain in, his/her country of origin.") The purpose of this clarification was to make all refugee and asylum claims, regardless of nationality or location--i.e., whether Soviets in Moscow and Rome, Vietnamese in Vietnam, or Nicaraguans and Salvadorans in Texas--subject to the same adjudications process, the same criteria, and the same procedures. Adjudication according to this uniform standard began in October 1988 for refugee claims in Rome, and in Moscow and Vietnam in early 1989.

REFUGEE ADMISSIONS BY GEOGRAPHICAL AREA: FY 1980-1988

	1980	1981	1982	1983	1984	1985	1986	1987	1988	Area totals
Africa	955	2,119	3,326	2,648	2,747	1,953	1,315	1,994	1,588	18,645
Asia	163,799	131,139	73,522	39,408	51,960	49,970	45,454	40,112	35,015	630,379
Eastern Europe	5,025	6,704	10,780	12,083	10,285	9,350	9,713	8,606	7,818	79,364
Soviet Union	28,444	13,444	2,756	1,409	715	640	787	3,694	20,421	72,310
Latin America	6,662	2,017	602	668	160	138	173	315	2,497	13,232
Near East	2,231	3,829	6,369	5,465	5,246	5,994	5,998	10,107	8,415	53,654
Worldwide totals by fiscal year	**207,116**	**159,252**	**97,355**	**61,681**	**71,113**	**68,045**	**62,440**	**64,828**	**75,754**	**867,584**

Information Systems

One year after passage of IRCA, INS had designed, implemented, and operated an array of systems which have processed more than one million legalization applications. These systems, operational since May 1987, support four Regional Processing Facilities, a complex centralized data base, a document preparation and data capture facility, and a document analysis unit. INS had also developed the software package in use at all Legalization Offices—the Legalization Application Processing System (LAPS).

This system, which was the keystone of the operations, provided automated fee receipting, applicant interview scheduling, work authorization, and applicant notifications. It also updated the Central Index System, supported regional adjudication activities, generated a variety of statistical reports, and created data tapes for automated fingerprint and security checks.

Within the Office of Information Systems, the Alien Documentation Program—in cooperation with the Legalization Division and other units of Examinations and Enforcement—developed new ID cards to document aliens granted temporary status.

Data Systems

Among its major accomplishments in fiscal 1988, the Data Systems Division:

- completed operational development of the LAPS on-line casework support system for the legalization and SAW programs (LAPS incorporates case processing functions never previously automated by INS);
- installed automated ID equipment in Laredo, TX, Nogales, NM, and Calexico, CA, for checking machine-readable visas for the H-2A program;
- developed software to support the Visa Waiver Pilot Program;
- developed and began installation of FILES for Inspections, and FARES and the Marriage Fraud data base for Adjudications (as reported under the respective programs above);
- conducted major procurement and acquisition of large-scale centralized ID system for the Immigration Card Facility (ICF);
- implemented a data exchange between the Central Index System (CIS) and the Alien Secondary Verification Index, whereby current information on the status of legal permanent and temporary aliens eligible for employment is updated to the SAVE Program's database in Orlando, FL, for verification requests received from external agencies;
- acquired 900 personal computer workstations to support local applications and use for accessing mainframe systems; and
- developed and installed a Password Issuance and Control System (PICS) to improve security and allow immediate issuance of passwords to all mainframe systems.

Record Systems

The Record Systems Division continued to maintain the nationwide toll-free telephone service to provide IRCA information to the public. Through December 1988, the system had handled more than two million calls.

This division supported the SAVE program by providing secondary manual verification of records for entitlement agencies when status is not available in the Alien Status Verification Index (ASVI).

Other accomplishments included:

- development of a PERSONAL COMPUTER version of the Alien File Accountability and Control System (AFACS) which will allow it to be installed at all INS file control offices;
- conducted three national training workshops for Freedom of Information Act/Privacy Act (FOIA/PA) officers and attorneys from various INS offices; and
- established a Records Technology Laboratory to explore new and emerging technologies for records storage.

Systems Integration

The Systems Integration Division continued to provide technical and administrative support to INS programs using automated systems. For example, it supported the SAVE program with a nationwide access service to allow Federal benefit-granting agencies to determine alien status via telephone, point-of-sale, and remote terminal. The division implemented an enhanced Quality Assurance Program to provide pre- and post-implementation reviews of ADP systems to ensure that they are developed in accordance with applicable standards and user requirements.

Accomplishments in fiscal 1988 included:

- the publication of Automated Information Systems (AIS) Strategic and Tactical Plans to guide the automation program through 1992; and
- initiation of a study/prototype of the INS Office Automation and Access requirements to determine optimum hardware and software configurations for INS offices.

Management and Administration

In the past several years, INS has worked to improve the management of its programs by establishing a workable Priorities Management System (PMS) and by systematically upgrading key support programs in four areas:

- employee development;
- automated systems;
- personnel selection; and
- decision making.

Improvements in the personnel selection process and employee development program enabled INS to quickly build a staff of more than 2,000 employees for the Legalization and SAW programs. Most of the positions were filled by rehired annuitants and new hires so that other programs were not severely disrupted by the transfer of too many workers.

Personnel and Training

In fiscal 1988, INS continued to increase staffing and upgrade or expand training in key IRCA-related programs. Among other accomplishments, the Personnel and Training Division:

- completed occupational reviews and obtained Department of Justice approval for upgrades for certain Criminal Investigator/Special Agent and Detention Enforcement Officer positions;
- hired over 70 new employees for Employer and Labor Relations (ELR) positions;
- continued intensive hiring program for Border Patrol Agent trainees (as reported under Border Patrol accomplishments above); adopting innovative hiring practices, obtaining approval of special entry-level salary rates, and establishing and monitoring a temporary delegation of hiring authority to the Southern and Western Regions to implement a new "one-stop" hiring process;
- developed new recruitment initiatives to staff Special Agent, Detention Enforcement Officer, Immigration Inspector, and Immigration Examiner positions to fill positions needed for implementing IRCA.

As a result of the last initiative, INS hired 279 officer trainees for Investigations, 353 for Detention and Deportation, and 621 for Inspections and Adjudications.

This large expansion of the officer corps required INS to upgrade and expand basic training programs. Besides revising all basic courses to incorporate IRCA responsibilities, the Training Branch started looking for additional training sites to accommodate the higher number of Border Patrol and special agent recruits.

Another key accomplishment of the division during fiscal 1988 was the establishment of the Drug-Free Workplace Program throughout the Service.

Equal Employment Opportunity

Throughout the IRCA implementation period, the Equal Employment Opportunity (EEO) Office has worked closely with both personnel and program managers, and with EEO officers in the field, to focus their recruiting efforts on qualified women, veterans, handicapped persons, and minorities to meet the increased staffing requirements. As a result, INS has steadily improved the workforce representation of these groups. For example, the current representation of Hispanics and Asians in INS jobs is significantly higher than in the Department or Federal Government overall.

During fiscal 1988, the EEO staff trained 78 collateral duty recruiters in the Eastern and Western Regions as Special Emphasis Program Managers. They also conducted training in early stage resolution of discrimination complaints for 55 informal adjudicators and 56 EEO counselors. Such training and other initiatives in early stage complaint resolution resulted in estimated cost avoidances of about $300,000. Altogether, 177 employees were counseled and 87 EEO complaints were resolved.

Comptroller

During the first year of IRCA implementation, the Office of the Comptroller established financial controls, budget, and accounting procedures to fully track and account for the various types of funds applicable to programs established by IRCA and other recent legislation. For example, automated accounting and control procedures were implemented for legalization fees, payments to QDEs, and inspections user fees.

During fiscal 1988, the office completed a review for the purpose of identifying potential revenue-producing projects to supplement appropriated accounts. The review targeted several areas for the introduction of new user fees which, if adopted, could result in more than $150 million in new funding annually.

The office undertook a comprehensive analysis of potential areas of cost savings to the Service in order to establish reduction targets and budgeting goals for major categories of costs, as required by Gramm-Rudman-

Hollings Congressional guidelines. The study established a framework which can be used to analyze real financial need and set reasonable budgetary goals and objectives.

Administration

During fiscal 1988, another new Border Patrol station was completed at Imperial Beach, CA, and construction was started on new station facilities at El Paso, TX, Ajo, AZ, and Naco, AZ. Designs were completed and construction was begun also for a Service Processing Center in San Pedro, CA; a new courtroom and a sewage treatment facility in Port Isabel, TX; and renovations to repair fire damage at the Krome detention facility in Miami, FL. Design work was completed for a new Border Patrol station at Sonoita, AZ, a Border Patrol staging facility at Tucson, AZ, a sewage treatment plant at Port Isabel, TX, gas tank replacement at the El Centro, CA, Border Patrol headquarters, and for other facilities. Land acquisitions were initiated for four Border Patrol stations scheduled for construction in fiscal 1989. Also during the year INS removed three excess properties valued at $52,565 from the real property inventory.

Between January and August 1988, INS closed 26 legalization offices and redistributed their systems furniture to district offices. In September a $1.7 million contract was issued to acquire systems furniture from the Westinghouse Furniture Systems Corporation for Central Office. The furniture will enable INS to consolidate headquarters offices from three buildings into two and reduce the overall space utilization rate to an average of 118 square feet per person.

The Western Regional Office was relocated from San Pedro to Laguna Niguel, CA, and the Regional Service Center from San Ysidro to Laguna Niguel during the year.

The Office of Administration's efforts to strengthen the INS security program included the development of a Security Officer Handbook and the expansion of the District Security Officer program.

The office provided acquisition, maintenance, and management support to the entire INS vehicle fleet, which includes more than 6,500 vehicles of various types. Contracting and Procurement issued more than 309,000 procurement actions involving more than $320 million. General Services processed some 3,000 requisitions for printing more than 45 million copies of forms and publications.

FISCAL 1988 BUDGET SUMMARY

(dollars in millions)

Program Category	*Positions*	*Funds*
Enforcement		
Inspections	1,101	$ 71.4
Border Patrol	5,531	209.6
Investigations	1,943	83.1
Anti-smuggling	390	19.0
Detention & Deportation	1,639	136.3
subtotal	10,604	519.4
Citizenship and Benefits		
Adjudications/Naturalization	1,320	61.7
Refugees and overseas	106	9.8
subtotal	1,426	71.6
Immigration Support		
Training	90	9.1
Data/communications systems	202	53.2
Information/records management	1,420	47.3
Intelligence	53	2.5
Research and development	3	0.5
Construction and engineering	17	48.8
Field management and support	317	15.9
Legal proceedings	618	22.5
subtotal	2,720	199.9
Program Direction		
Executive direction and control	232	13.4
Administrative services	471	30.6
subtotal	703	44.0
TOTALS (Basic Account)	**15,453**	**834.8**
User fees	948	75.0
Legalization fees	326	130.0
TOTAL RESOURCES AVAILABLE	**16,727**	**$1,039.8**

Office of the Commissioner

In keeping with their respective roles in supporting the Service's various operational and management programs, the offices of Plans and Analysis, Program Inspection, Professional Responsibility, and Congressional and Public Affairs contributed to IRCA implementation by continuing to serve the needs of the Commissioner's management team. Among the significant IRCA-related accomplishments of these offices were the following:

Plans and Analysis

- developed profiling techniques to assist INS enforcement efforts against criminal aliens and fraud;
- worked closely with Westat, Inc., in the development of the National Legalized Alien Survey, expected to be conducted in 1989;
- completed the first stage of a study on the impacts of employer sanctions on the U.S. economy, specifically on levels of unemployment; and
- prepared regular report on IRCA implementation for the Attorney General. and initiated interagency planning for the submission of the IRCA-mandated triennial reports on the impact of immigration.

Program Inspection

- conducted audits in seven district offices to evaluate the efficiency and effectiveness of INS programs, including those related to IRCA;
- conducted more than 20 special purpose reviews of such activities as Operation Alliance, regional financial operations, and Cuban detainee processing; and
- established a Policy Information Bureau, with a 24-hour information phone line and a monthly bulletin, to improve the flow of policy information between Central Office and the field offices.

Professional Responsibility

- placed an OPR trainer at the INS training facility in Glynco, GA, and conducted collateral OPR investigator training in each region to improve integrity awareness;
- hired an experienced computer analyst to investigate computer fraud; and
- established closer coordination with the Department's Civil Rights Division to facilitate reporting of civil rights violations.

Congressional and Public Affairs

- continued efforts to develop and distribute information materials to help eligible aliens to apply for legalization and to help employers understand their responsibilities under IRCA;
- conducted a series of seminars for Congressional staff caseworkers on basic immigration terms, procedures, and requirements, and on recent changes in law; and
- responded to more than 35,000 Congressional or public inquiries on the status of specific immigration cases and more than 5,000 news media inquiries on various topics related to INS actions, policies, and programs.

ELLIS ISLAND

A decision was made in 1988 to save the historic buildings of Ellis Island and to schedule them for redevelopment as a world-class conference, training, educational and cultural center. Supporters of this action, including INS, overcame serious consideration for tearing down all but the Great Hall on what had been the busiest immigration station in the U.S. for more than 50 years.

The key recommendation – whether to save or demolish some thirty buildings – was the responsibility of the presidentially-appointed Statue of Liberty and Ellis Island Centennial Commission. INS was instrumental in developing the conference center concept as a principle alternative to demolition and in persuading members of the Commission of the importance of saving the historic buildings. In a close vote, the Commission recommended saving the buildings and creating a national center.

Negotiations began during the year between the National Park Service and the Ellis Island Preservation Corporation for restoration of the buildings and operation of the new center. Final approval is expected in 1989, with the renovation to be completed in time for the Ellis Island centennial in January 1992.

INS PRIORITIES:

Implement Employer Sanctions

Remove Criminal Aliens

Detect and Deter Fraud

Maximize Legalization Benefits

Legal and Legislative Issues

IRCA Litigation

The Office of General Counsel was involved in the litigation of some 2,200 cases in U.S. District Courts and courts of appeals in 1988, including the following cases related to IRCA implementation:

LULAC v. INS

In this class action, the League of United Latin American Citizens (LULAC) originally challenged the Service's interpretation of "continuous residence" in its regulation that made ineligible for legalization aliens who left the U.S. and re-entered with documentation.

INS revised its policy in October 1987 to make such aliens eligible but required them to get waivers for fraud. LULAC then amended the complaint to challenge the requirement for a waiver.

INS asked for summary judgment in July 1988. The court then issued a memorandum opinion and order on July 15, holding that the previous rule was outside the provisions of IRCA but finding that the current rule requiring the waiver was proper.

On August 12, 1988, the district court granted LULAC's request for injunctive relief, extending the legalization application period for class members to November 30, 1988; requiring publicity for the court's order; and ordering that apprehended aliens who claim to fall within the class be allowed to file for legalization in lieu of immediate deportation.

INS appealed the court's extension of the application period and the Ninth Circuit joined the appeal to the case of Catholic Social Services v. Meese (see below).

Catholic Social Services v. Meese

This case, which began as a request for an injunction against the deportation of any alien who appeared eligible for legalization, was later converted to a class action. The court ordered INS to post signs at ports of departure informing aliens of the possibility of obtaining legal status. Subsequent issues, arising from amended complaints, included work authorization for aliens during the pre-application period; exclusion and denial of work authorization for SAW applicants apprehended in the U.S. after November 6, 1986; interpretation of "brief, casual, and innocent" departures from the U.S.; and cut-off dates for SAW eligibility. The last issue became moot in December 1987 after enactment of an open date for SAW eligibility.

On June 10, 1988, the court issued an order extending the legalization application period for class members to November 30, 1988, and directing INS to publish proposed procedures for accepting their applications. The court granted a partial stay of that order on June 24, but ordered INS to withhold the deportation of any class members, to inform apprehended aliens that they might be class members, and to provide such aliens with names and addresses of the plaintiff's attorneys.

On August 11, 1988, the court reinstated its June 10 order, the Government again appealed, and the Ninth Circuit granted a partial stay on September 20 requiring INS to withhold deportation of class members, release them from custody, and grant work authorizations.

Ayuda v. Meese

This case resulted from a complaint filed March 8, 1988, challenging the Service's interpretation of the clause "known to the government" as it applied to aliens who originally entered the U.S. on valid entry (nonimmigrant) visas but claimed eligibility for legalization because they fell into illegal status prior to January 1982. INS had required such aliens to show that their illegal status was "known to INS" as of the qualifying date.

The court issued a declaratory judgment on March 30, 1988, that such aliens must only establish that prior to January 1, 1982, documentation existed in one or more Federal Government agencies (not necessarily INS) that cumulatively would have resulted in a finding that their status in this country was unlawful. With this ruling, the court ordered INS to begin immediately to accept applications for legalization from aliens who were previously viewed as ineligible by INS under the "known to the government" clause.

In April 1988, the court began issuing a series of supplemental injunctions and orders regarding the filing and adjudication of applications from aliens covered by the

"EIGHT IN '88"

Improve the Image of the Service

Establish Management Development Program

Enhance/Expand Existing Automated Systems

Evaluate Cost-Effectiveness of INS Operations

original ruling. On September 27, 1988, the court appointed a special master to review cases of aliens claiming they were discouraged from filing. Special master proceedings began after the appeals court denied the Government's request for a stay.

As a result of this case, by the end of fiscal 1988 approximately 3,000 aliens had filed applications under the court's broadened definition of "known to the government."

Haitian Refugee Center v. Nelson

This class action complaint, filed on June 12, 1988, sought declaratory and injunctive relief against SAW program practices. It includes allegations that INS requires an excessive burden of proof and violates due process at interviews because of a lack of translators and a lack of opportunity to respond to adverse information.

On August 22, 1988, the court issued an order granting plaintiffs injunctive relief, finding that INS had violated its regulations and the requirements of due process by denying SAW applications without first giving applicants the chance to respond to adverse information; by failing to have translators available at interviews; and by not giving sufficient notice of reasons for denial and right of appeal.

The court certified a class of all SAW applicants in the Eleventh Circuit and ordered INS to reopen all previously denied applications, to issue temporary work authorizations to the applicants, to particularize all evidence offered, to accept life witnesses, and to provide competent Spanish and Creole translators in all offices.

On October 6, 1988, the Eleventh Circuit granted the Government's request for a stay of the district court's requirements regarding translators, life witnesses, and particularizing evidence, and set the matter for expedited consideration.

United States v. Mester Manufacturing Co.

In November 1987, INS found Mester in violation of the employer sanctions provisions of IRCA by knowingly continuing to employ seven unauthorized aliens and committing ten paperwork violations. A Notice of Intent to Fine assessed penalties totalling $6,000.

On June 17, 1988, the administrative law judge hearing this case found the employer in violation of six counts of knowingly continuing to employ unauthorized aliens but dismissed the seventh count and the paperwork violations. On August 1, Mester filed a petition for review with the Ninth Circuit Court of Appeals and, on August 11, filed a request with the administrative law judge for fees and costs pursuant to the Equal Access to Justice Act. Further rulings in this case were expected early in 1989.

United States v. Big Bear Markets

The defendant was an employer investigated by INS and charged in April 1988 with 135 violations of the Employment Verification System. The Notice of Intent to Fine charged that Big Bear violated the employer sanctions provisions of IRCA by failing to prepare or properly complete Forms I-9 on 135 employees, and assessed a fine of $200 per violation, or $27,000 total.

The case was presented before an administrative law judge on August 30, 1988, in San Diego, CA. This was the first such case to be based solely on paperwork violations of the employer sanctions provisions of IRCA.

Legal Immigration Reform

While Congress was debating a bill to reform the law governing legal immigration, INS drafted a proposal for the Department to address problems in current statutes. The proposal set four main goals for legal immigration reform:

- Anticipate and meet future labor demands of U.S. employers. While still emphasizing the nuclear family, the proposed reforms would address needs of the U.S. economy by facilitating the entry of needed workers and investors.
- Significantly reduce or eliminate backlogs of people waiting to immigrate. Proposed reforms would eliminate per-country restrictions for all family reunification and most occupational categories and would expedite the immigration of dependents of aliens who became legalized under IRCA.
- Encourage immigrating aliens to become U.S. citizens. The proposed reforms would reduce the residency requirement for naturalization from five years to three, while keeping the high standards and traditional ceremonial aspects of the citizenship process.
- Assure that legal immigration takes the place of illegal immigration. Proposed reforms would strengthen the heritage of legal immigration by keeping the entry numbers high and providing for a periodic review of the levels which also will account for the numbers of illegal entries.

The plan would replace the current six preference categories with only four, keeping or expanding the Immediate Relative, Family Reunification, and Occupational Preference categories and adding an Independent Selection category for aliens who have the potential to contribute to the economy and to assimilate into U.S. society, but do not have a qualifying relative or employer to serve as a sponsor.

☆ U.S. Government Printing Office : 1989 - 251-258/47523

INS REGIONAL AND DISTRICT OFFICE LOCATIONS

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Honolulu, HI 96809
P.O. Box 461
595 Ala Moana Boulevard

Los Angeles, CA 90012
300 North Los Angeles Street

Phoenix, AZ 85025
Federal Building
230 North First Avenue

San Diego, CA 92188
880 Front Street

San Francisco, CA 94111
Appraisers Building
630 Sansome Street

DISTRICT OFFICES
in foreign countries

Bangkok, Thailand
c/o American Embassy
APO SF 96346

Mexico City, Mexico
c/o American Embassy
Room 188, P.O. Box 3087
Laredo, TX 78044

Rome, Italy
c/o American Embassy
APO NY 09794

NORTHERN REGION
Regional Office
Twin Cities, MN 55111
Fort Snelling
Bishop Henry Whipple
Federal Building

District Offices
Anchorage, AK 99513
Fed. Bldg., U.S. Courthouse
701 C Street, Room D-229

Chicago, IL 60604
Dirksen Federal Office Bldg.
219 South Dearborn Street

Cleveland, OH 44199
A. J. Celebrezze Fed. Bldg.
Room 1917
1240 East Ninth Street

Denver, CO 80294-1799
1787 Federal Building
1961 Stout Street

Detroit, MI 48207
Federal Building
333 Mt. Elliot Street

Helena, MT 59626-0036
Room 512, Federal Bldg.
301 South Park

Kansas City, MO 64153
9747 N. Conant Avenue

Omaha, NE 68102
Room 1008 Fed. Ofc. Bldg.
106 South 15th Street

Portland, OR 97209
Federal Office Building
511 Northwest Broadway

St. Paul, MN 55101
932 Main Post Office Bldg.
180 East Kellogg Boulevard

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101 W. Lombard Street

Boston, MA 02203
JFK Federal Building
Government Center

Buffalo, NY 14202
68 Court Street

Newark, NJ 07102
Federal Building
970 Broad Street

New York, NY 10007
26 Federal Plaza

Philadelphia, PA 19106
Rm. 1321, U.S. Courthouse
Independence Mall West
601 Market Street

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Houston, TX 77060
509 North Belt

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Postal Service Building
701 Loyola Avenue

San Antonio, TX 78206
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Suite A301
727 East Durango

THE IMMIGRATION AND NATURALIZATION SERVICE *had its beginnings as a small bureau of the Treasury Department as a result of the Immigration Act of 1891, enacted on March 3, 1891. In 1903, the Bureau of Immigration was transferred to the newly established Department of Commerce and Labor. Three years later, it became the Bureau of Immigration and Naturalization. When Labor became a separate Department in 1913, Immigration and Naturalization were included as separate bureaus. They were consolidated again in 1933 as the Immigration and Naturalization Service. The entire function was transferred from the Department of Labor to the Department of Justice on June 10, 1940, under a general reorganization of the Executive Branch of the Federal Government. Since then, the Immigration and Naturalization Service has been under the direction of the Attorney General.*